

Hon. Ronald B. Leighton
Trial Date: January 11, 2010

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

HILARIO VARGAS, and MARIA VARGAS,
each individually and the marital community) No. C07 5082 RBL
composed thereof)
Plaintiffs,) ORDER DENYING PLAINTIFFS'
v.) MOTIONS IN LIMINE
ALLSTATE INSURANCE COMPANY, a foreign) [PROPOSED]
corporation)
Defendant.)

THIS MATTER having come before this Court on Plaintiffs Motions in Limine, the
Court considered all the papers filed in this matter and, more particularly, having
considered:

1. Plaintiffs' Motions in Limine;
2. Defendant Allstate Insurance Company's Response to Plaintiffs Motions in
Limine;
3. Declaration of Morgan E. Smith with attached Exhibits;
4. Plaintiffs' reply if any;
5. _____
6. _____

ORDER DENYING PLAINTIFFS' MOTIONS IN LIMINE- 1
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COLE, LETHER, WATHEN & LEID, P.C.
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1 7. All pleadings and materials already on file herein.

2 The Court having considered the foregoing, and having heard the arguments of
3 counsel, now, hereby, Orders as follows:

4 1. **This Court should Exclude any Expert Testimony Presented by the
Defendant because Defendant provided no Expert Report and such
Testimony is Irrelevant;**

5 GRANTED DENIED RESERVED

6 2. **This Court should Exclude any Auction House receipts or Materials that
were obtained by the Defendant because such Materials are Irrelevant
to Proving Value;**

7 GRANTED DENIED RESERVED

8 3. **This Court should exclude any materials obtained by Defendant via
Subpoena Because Defendant failed to disclose any such materials to
Plaintiff in Supplementation to Defendant's Discovery Responses;**

9 GRANTED DENIED RESERVED

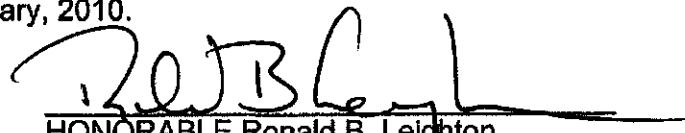
10 4. **This Court should Exclude any evidence presented by Allstate in
Support of any Defense of Fraud as that Defense was not Properly Pled
as an Affirmative Defense;**

11 GRANTED DENIED RESERVED

12 5. **This Court should Exclude as Irrelevant and Moot All Letter from
Defense Counsel Request Examination Under Oath.**

13 GRANTED DENIED RESERVED

14 DATED this 8th day of January, 2010.

15 
16 HONORABLE Ronald B. Leighton

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1 Presented by:
2 COLE, LETHER, WATHEN, LEID & HALL, P.C.
3

4 Rick J Wathen, WSBA #25539
5 Morgan E. Smith, WSBA #37954
6 Attorneys for Defendant Allstate
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8 Approved for entry:
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10 FREEMAN LAW FIRM, INC.
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12 Spencer Freeman, WSBA #25069
13 Attorney for Plaintiffs
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ORDER DENYING PLAINTIFFS' MOTIONS IN LIMINE- 3
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